United Nations S/2017/294

Security Council

Distr.: General
5 April 2017

Original: English

# Report of the Secretary-General on children and armed conflict in the Philippines

*Summary*

The present report, submitted pursuant to Security Council resolution 1612 (2005) and subsequent resolutions, is the fourth on children and armed conflict in the Philippines submitted by the Secretary-General. It contains information on the six grave violations against children and, more broadly, on the situation of children affected by armed conflict during the period from 1 December 2012 to 31 December 2016.

The report highlights trends and patterns of grave violations committed against children by all parties to the conflict and illustrates that conflict continues to negatively affect children, in particular in indigenous communities. The report also sets out progress made in addressing the protection of children affected by conflict, including through the establishment of government mechanisms and the implementation of an action plan with the Moro Islamic Liberation Front.

Lastly, the report contains a series of recommendations to end and prevent grave violations against children in the Philippines and to improve their protection.

17-05551 (E) 200417

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# I. Introduction

1. The present report, prepared pursuant to Security Council resolution 1612 (2005) and subsequent resolutions on children and armed conflict, is the fourth report on the Philippines submitted to the Working Group on Children and Armed Conflict. It covers the period from 1 December 2012 to 31 December 2016 and describes trends and patterns of grave violations against children that have occurred since my previous report (S/2013/419). Where possible, the report identifies the parties responsible for grave violations against children and highlights areas for advocacy and response to enhance the protection of children. The report also describes progress made in ending and preventing grave violations against children. Finally, the report provides a list of recommendations to all parties and actors concerned to improve the protection of children in conflict-affected areas and end and prevent grave violations.

2. Since insecurity and access restrictions to remote areas complicated monitoring and reporting activities, the figures detailed in the report do not reflect the full scope of violations against children. Nonetheless, available data illustrate that children continue to be negatively affected by the conflict, in particular in indigenous communities.

3. In the annexes to my most recent annual report on children and armed conflict, dated 20 April 2016 (A/70/836-S/2016/360), the Abu Sayyaf Group, the Bangsamoro Islamic Freedom Fighters, the Moro Islamic Liberation Front and the New People's Army are listed in the annexes for the recruitment and use of children.

# II. Overview of political and security developments

## A. Political developments

4. The administration of President Benigno Aquino III continued to pursue negotiations with a number of armed groups in an effort to address long-running conflicts on Mindanao island. After a seven-year impasse, formal talks between the Government and the National Democratic Front of the Philippines, a coalition of left-leaning groups that includes the Communist Party of the Philippines and the New People's Army, resumed in 2011. However, no formal peace agreement was reached and those discussions remained at an impasse on the eve of the presidential election in May 2016.

5. Previously, in October 2012, the Government and the Moro Islamic Liberation Front had signed the Framework Agreement on the Bangsamoro, which culminated in the signing of the Comprehensive Agreement on Bangsamoro in March 2014, which officially concluded 17 years of peace negotiations. The Bangsamoro Basic Law, which would have established the Bangsamoro Autonomous Region, was submitted to Congress by President Aquino on 10 September 2014. However, following the so-called Mamasapano incident, a clash between the Moro Islamic Liberation Front, the Bangsamoro Islamic Freedom Fighters and government forces in January 2015 in Maguindanao Province, Congress was unable to agree on the passage of the law before going into recess in February 2016. Despite that setback, both the Government and the Moro Islamic Liberation Front declared their continued commitment to pursue a peace agenda.

6. Presidential elections were held in the Philippines in May 2016 and President Rodrigo Duterte was inaugurated on 30 June 2016. The new administration has since set out its peace and development framework aimed at ending the long-standing conflicts with the communist insurgency and Moro secessionist groups.

7. In June 2016, President Duterte met with the Moro Islamic Liberation Front and the Moro National Liberation Front to discuss the next steps in the peace process. The two Moro groups agreed to collectively undertake an intra-Moro dialogue with the objective of arriving at an inclusive solution for the Bangsamoro. On 7 November, the President signed an executive order creating a new Bangsamoro Transition Commission, tasked with drafting a new version of the Bangsamoro Basic Law. The President also initiated exploratory talks with representatives of the National Democratic Front of the Philippines in Oslo in preparation for the planned resumption of the peace negotiations. Following an agreement to resume formal peace negotiations in July, the two parties met for two rounds of formal talks in August and October, but at the time of writing no permanent ceasefire had been reached.

## B. Security developments

8. During the reporting period, there was a general decrease in large-scale armed engagements. However sporadic, low-intensity clashes and a number of critical incidents continued to affect the overall security situation. Government security forces, including the Armed Forces and the Philippine National Police and alleged pro-government armed groups, engaged in clashes with a number of armed groups, including the New People's Army, the Moro Islamic Liberation Front, the Moro National Liberation Front, the Bangsamoro Islamic Freedom Fighters and the Abu Sayyaf Group, the majority of which took place on Mindanao.

9. Major armed incidents included the 9 September 2013 attack on Zamboanga city by the Misuari faction of the Moro National Liberation Front following the initiation of peace talks between the Government and the Moro Islamic Liberation Front. According to the Armed Forces, the ensuing armed engagement with government security forces lasted 20 days, killing 7 civilians, wounding 48 others and forcibly displacing more than 118,000.

10. In January 2014, government security forces launched Operation Darkhorse, a major offensive against the Bangsamoro Islamic Freedom Fighters, which lasted five days and resulted in the destruction of a number of the group's camps. On 25 January 2015, a special action force of the National Police conducted a law enforcement operation in the Mamasapano municipality of Maguindanao Province to arrest two high-profile militants who had been under the protection of the Bangsamoro Islamic Freedom Fighters. The Moro Islamic Liberation Front was not informed that the operation would take place and engaged the special action force in a firefight, which resulted in the death of 6 civilians, 44 members of the special action force and 18 Moro Islamic Liberation Front fighters.

11. Following the Mamasapano incident, which led to a large military offensive in February 2015, clashes between the Armed Forces and the Bangsamoro Islamic Freedom Fighters increased significantly in the first half of 2015, with military operations subsequently conducted by the Armed Forces throughout 2016.

12. With regard to the conflict with the New People's Army, 2015 saw a pronounced deterioration of the security situation on Mindanao, with reports indicating an increase in clashes. Indigenous communities were particularly impacted by the complex security situation involving the Armed Forces, the New People's Army and pro-government armed groups.

## C. Parties to the conflict in the Philippines

### Moro Islamic Liberation Front

13. The Moro Islamic Liberation Front was first listed in the annexes of the annual report on children and armed conflict for the recruitment and use of children in 2003. In August 2009, the group signed an action plan with the United Nations to end and prevent child recruitment and use that entailed concrete and time-bound activities involving the unimpeded access of monitoring teams, the prevention of recruitment, the release and reintegration of all children under 18 years of age and awareness-raising and capacity-building activities with respect to child rights and child protection mechanisms. The armed group is active in large parts of Mindanao. Clashes between the military arm of the Moro Islamic Liberation Front, which includes the Bangsamoro Islamic Armed Forces and the Bangsamoro Islamic Women's Auxiliary Brigade, and the Armed Forces largely ceased since signing of the Framework Agreement on the Bangsamoro. The armed group coordinates its troop movements and operations with the Armed Forces through the Coordinating Committee on the Cessation of Hostilities, which has helped defuse tensions.

### Moro National Liberation Force

14. The Moro National Liberation Front, present on Mindanao, signed a peace agreement with the Government in 1996 after more than 20 years of fighting for Bangsamoro independence. In early 2000, however, tensions with the Government resurged as some members of the group began to view the implementation of the peace agreement as flawed. That resulted in the fractionalization of the group as well as sporadic clashes with the Government. In 2013, the Misuari faction of the group launched an attack in Zamboanga city to express their opposition to the Framework Agreement on the Bangsamoro between the Government and the Moro Islamic Liberation Front.

### Bangsamoro Islamic Freedom Fighters

15. The Bangsamoro Islamic Freedom Fighters splintered from the Moro Islamic Liberation Front in 2010 in order to continue the armed struggle for full independence from the Philippines, following the initiation of peace negotiations between the Government and the Moro Islamic Liberation Front. The Bangsamoro Islamic Freedom Fighters has been listed for the recruitment and use of children since 2014. Since the Moro Islamic Liberation Front and the Moro National Liberation Front have increasingly resorted to political avenues to further their causes, the Bangsamoro Islamic Freedom Fighters has taken on a more prominent role in the armed Muslim separatist movement in the Philippines. As a result, the group, which is mainly active in Maguindanao Province, has engaged in armed clashes both with the Moro Islamic Liberation Front and the Armed Forces. Following the death in April 2015 of Ameril Umbra Kato, the founder and leader of the Bangsamoro Islamic Freedom Fighters, there were unverified reports of a split within the group in 2016.

### New People's Army

16. The New People's Army, the armed wing of the Communist Party of the Philippines and part of the National Democratic Front of the Philippines coalition, has been listed since 2003 owing to its recruitment and use of children. Although it is present across the Philippines, New People's Army has focused its operations mainly on Mindanao. It has been engaged in armed conflict with the Government

for over four decades, with the stated objective of establishing a new democratic Government with socialist goals.

**Abu Sayyaf Group**

17. The Abu Sayyaf Group has been listed since 2003 owing to its recruitment and use of children. The group remains active in Basilan and Sulu Provinces and in the Zamboanga Peninsula and continues to carry out bombings, extortions, kidnappings for ransom and assassinations. In 2014, Abu Sayyaf leader Isnilon Totoni Hapilon declared an oath of allegiance to the Islamic State in Iraq and the Levant, but the link between the two groups remains unclear. Unverified reports from 2016 suggest that the Abu Sayyaf Group has merged with three other armed groups in the Philippines under Hapilon's leadership. Following the beheading of two foreign hostages in April and June 2016, the Government deployed 10 battalions of army and marine soldiers in Sulu and Basilan Provinces to combat the Abu Sayyaf Group.

**Armed Forces of the Philippines and the Philippine National Police**

18. The Armed Forces of the Philippines is composed of the Philippine Army, the Philippine Navy (which includes the Philippine Marine Corps) and the Philippine Air Force. Although the Philippine National Police is a civilian force, its special action force, pursuant to Executive Order 546, can be called upon to support the combat operations of the Armed Forces that involve the suppression of insurgency and other serious threats to national security. The same policy authorizes local chief executives to deputize community police officers as force multipliers for the National Police. Under the Aquino Administration, the Armed Forces and the National Police sought to preserve security, peace and order through the *Bayanihan* internal peace and security plan. The plan sets forth a whole-nation approach in which the Government, local communities and non-governmental organizations work together with the Armed Forces and National Police to counter the threat posed by armed groups.

19. The Citizen's Armed Forces Geographical Unit, an auxiliary force under the control of the Armed Forces that is composed of army reservists and civilians, functions as a force multiplier to regular government forces. In addition, armed groups with alleged links to the Armed Forces are among the other actors involved the conflict between the Armed Forces and the New People's Army. The Government has denied any association with those groups. In September 2015, the Commission on Human Rights of the Philippines raised concerns over the use of auxiliary forces owing to their lack of proper training and sufficient orientation in the conduct of military functions.

## III. Grave violations committed against children

20. Armed clashes in the Philippines continue to affect children, predominantly on Mindanao. Access restrictions and security constraints pose challenges for the monitoring and verification of violations by the country task force in remote areas. Violations are thus likely to be underreported and the figures provided do not represent the actual scope of grave violations.

21. During the reporting period, the United Nations verified a total of 129 grave violations, affecting 192 children. Since 2014, the annual number of verified incidents has remained stable. The increase in incidents in 2013 was primarily the result of a rise in killings and maimings as part of attacks on schools and hospitals in the context of intensified military operations.

22. Grave child rights violations were perpetrated by all parties to the conflict. Of the 129 incidents verified by the country task force during the reporting period, 29 were attributed to the Armed Forces, including the Citizen Armed Forces Geographical Unit, 10 to alleged pro-government armed groups (including the Magahat and Alamara groups) and 2 to the National Police. Two additional incidents involved joint operations between the Armed Forces and the National Police (one) and the Armed Forces and the Alamara group (one), respectively. In addition, 13 incidents were attributed to the Abu Sayyaf Group, 11 to the New People's Army, 9 to the Bangsamoro Islamic Freedom Fighters and 7 to the Moro National Liberation Front. Of the 129 verified violations, 46 could not be attributed to any party to the conflict and mainly included the killing and maiming of children as part of attacks on schools and hospitals, during crossfire incidents and contact with unexploded ordnance. The denial of humanitarian access was the only grave violation that was not reported during the period under review.

23. Most verified violations against children occurred on Mindanao (93 per cent), which was also the most conflict-affected area of the Philippines, with the other violations taking place in the Visayas islands and on Luzon island (2 and 5 per cent, respectively). On Mindanao, most of the verified violations took place in the Autonomous Region in Muslim Mindanao and in the Soccsksargen region (46 and 19 per cent, respectively). However, since 2015, an increasing number of violations were verified in the regions of Davao, Northern Mindanao and Caraga, affecting predominantly children in indigenous communities. The increase is linked to intensified counter-insurgency operations by the Armed Forces, involving alleged pro-government armed groups, against the New People's Army.

24. Apart from conflict-related violations against children, the participation of individual members of the armed groups in armed clashes between rival clans, also known as *rido*, was a trend throughout the reporting period. With regard to the Moro Islamic Liberation Front, from January 2013 to June 2016, the United Nations received information on more than 31 incidents of *rido* involving commanders or members of the Moro Islamic Liberation Front and the Bangsamoro Islamic Armed Forces that resulted in 8 children killed, 13 others injured and an unknown number of schools damaged. The individuals involved, while associated with the Moro Islamic Liberation Front, were acting in their personal capacity.

## A. Recruitment and use

25. During the reporting period, the country task force verified 17 incidents of recruitment and use that affected 71 children. The total number of verified cases increased by 20 per cent in comparison with the period covered by the previous country report, which covered a time span of almost identical length. The majority of the children were used as human shields in two separate incidents; Fifteen children were used by the Bangsamoro Islamic Freedom Fighters in one incident, and 32 were used by the Moro National Liberation Front in the other.

26. Aside from those two incidents, verified incidents of child recruitment significantly decreased during the reporting period. The drop was mainly a reflection of fewer verified incidents being attributed to the Moro Islamic Liberation Front and the Armed Forces. However, the country task force continued to verify incidents of child recruitment by the Abu Sayyaf Group, the Bangsamoro Islamic Freedom Fighters, the Moro National Liberation Front and New People's Army. It verified one incident in which a child was used by the Armed Forces.

27. During the reporting period, the country task force verified the recruitment and use of six children (one girl and five boys) by the New People's Army and received

additional unverified reports of the alleged recruitment and use of children, both in front-line operations and in support functions. The children, between 15 and 17 years of age, indicated that they had joined the armed group voluntarily. Two of them had participated in combat operations, while the others had assumed support roles and had been armed. Of the six children, two had escaped, one had been authorized to leave, one was killed and the whereabouts of the two remaining children were unknown. In addition, according to government reports, the Armed Forces had encountered and handed over children believed to be associated with the New People's Army to social welfare offices on several occasions. The New People's Army continues to affirm that it does not recruit children for direct participation in hostilities, and the group's 2012 declaration and programme of action for the rights, protection and welfare of children states that recruits must be 18 years of age at a minimum. However, it is worrying that, according to the declaration, children as young as 15 years of age may be admitted as trainees or apprentices and may be assigned to self-defence and other non-combat units and tasks.

28. The country task force verified three incidents of recruitment and use (affecting five boys) by the Abu Sayyaf Group. In the first incident, a 9-year-old boy was used for running errands and transporting weapons for approximately 18 months. After eventually fleeing from the Abu Sayyaf Group camp, he was killed by the group in March 2014, reportedly for providing intelligence to the Armed Forces. The second incident involved a 14-year-old boy who was recruited in a school in 2013. In the third incident, three other boys (14 to 15 years of age) were recruited from the same school in 2014. The director of the school was threatened by the Abu Sayyaf Group after advising his students not to join the group. In addition to the verified violations, the country task force received a number of unverified reports of children being recruited by the Abu Sayyaf Group, including in combat roles. According to credible sources, the Abu Sayyaf Group recruited around 30 children in Basilan Province in April 2015. The children, 15 to 17 years of age, reportedly received payment and M-16 assault rifles after joining the group. Owing to the difficulty in verifying reports in areas of Abu Sayyaf Group presence, no accurate estimate of child recruits is available.

29. The United Nations also verified the recruitment and use of 10 boys by the Moro National Liberation Front, 5 of whom were used in support roles during the Zamboanga siege in September 2013, leading to the death of 2 of them. In 2016, the country task force verified the recruitment and use of 5 boys between 13 and 17 years of age, who were seen wearing military uniforms and carrying firearms in a Moro National Liberation Front military camp. In addition to those cases, the United Nations verified the use of 32 children as human shields in one incident.

30. In December 2015, in North Cotabato Province, the country task force verified an incident in which the Bangsamoro Islamic Freedom Fighters used 15 children as human shields during a tactical retreat from the Armed Forces. In addition to that verified incident, credible reports indicate a broader use of children in support and combat roles.

31. One incident of the use of children by the Armed Forces was verified, involving a 13-year-old boy in a military camp in Negros Oriental Province. This represents a large decrease compared with the 21 cases that had been attributed to the Armed Forces and the Citizen Armed Forces Geographical Unit during the period covered by my previous report. However, the country task force continued to receive unverified reports of children being used as informants or guides by the Armed Forces.

32. In an encouraging development, the United Nations received no reports of recruitment of children by the Moro Islamic Liberation Front during the reporting period. The group's general order No. 2 (2006), the code of conduct of the Bangsamoro Islamic Armed Forces and the supplemental general order (2010) prohibit the recruitment of children into the Bangsamoro Islamic Armed Forces and outline sanctions for non-compliance. The fact that the group remains primarily a community-based organization and its members live with their families complicates the identification of children associated with the group.

**Deprivation of liberty of children for alleged association with armed groups**

33. The country task force documented the detention or deprivation of liberty of 26 children by the Armed Forces for their alleged association with armed groups. The children had been arrested by the Armed Forces, the National Police or in joint operations and frequently detained for information gathering purposes, sometimes with their parents or other adults suspected of supporting armed groups. Five of the children were ill-treated while in custody.

34. In June 2013, in Maguindanao Province, three boys (16 to 17 years of age) were arrested, detained and publicly accused of being members of the Bangsamoro Islamic Freedom Fighters. They were hogtied and physically abused during their interrogation and subsequently charged with illegal possession of explosives and turned over to the National Police. With the assistance of United Nations partners, the three children were referred to the municipal social welfare office. In 2014, in Maguindanao Province, soldiers at a checkpoint of the Armed Forces stopped and requested a 14-year-old boy and his father to step into their camp on suspicion of being members of the Bangsamoro Islamic Freedom Fighters. They have not been seen since. A petition was filed at the regional trial court and the case is currently being heard. In November 2015, a 14-year-old boy was arrested and detained. He was allegedly mistaken for his deceased adult brother, who had been suspected of being a member of the Abu Sayyaf Group. Despite his status as a minor having been established and continued advocacy on the part of the United Nations, the boy remains in detention and has been classified as a high-risk detainee. On 12 April 2016, in Basilan Province, a 15-year-old boy was detained with two adults and tortured by Armed Forces soldiers for their alleged association with the Abu Sayyaf Group. One of the adults died from his injuries. The child, who had been charged with the illegal possession of explosives, sustained severe injuries and suffers from ongoing psychological trauma. He was discharged from the hospital on 20 April and provisionally released and returned to his family. He is receiving psychosocial support from a local civil society organization. The Regional Human Rights Commission of the Autonomous Region in Muslim Mindanao is investigating the case.

## B. Killing and maiming

35. During the reporting period, the country task force verified 74 incidents of killing and maiming involving 116 children; 40 children were killed (28 boys, 11 girls and 1 of unknown gender) and 76 were injured (40 boys, 34 girls and 2 of unknown gender). The incidents involved targeted shootings, crossfire, airstrikes, shelling, indiscriminate attacks, summary executions, unexploded ordnance and/or the mistreatment of children during detention. While all armed groups and forces were involved in incidents leading to the killing and maiming of children, almost half of all child casualties were attributed to either the Armed Forces (30 child casualties) or the Abu Sayyaf Group (24 child casualties). The perpetrator remained unidentified in 35 per cent of the incidents, (a total of 29 incidents, in which

10 children were killed and 25 injured). Most of those cases were crossfire incidents between the Armed Forces and armed groups.

36. The country task force verified the killing of 10 children and the injuring of 20 others by the Armed Forces in 20 incidents. The majority of those incidents took place during military operations against the Abu Sayyaf Group and to a lesser scale in operations against the New People's Army in indigenous communities. They involved targeted and indiscriminate attacks, crossfire and explosive remnants of war. On 18 August 2015, in Bukidnon Province, the Armed Forces summarily executed five members of a family, including two boys, 14 and 17 years of age, in front of the family home, claiming that they had been members of the New People's Army. While the Armed Forces provided financial compensation to the families of the deceased and for the burial ceremony, there have been no convictions in connection with the incident. In another incident, in April 2014 in Basilan Province, an Armed Forces air strike hit a madrassah, killing a 15-year-old boy and injuring three boys between 14 and 16 years of age.

37. Seven verified incidents, in which 9 children were killed and 15 injured, were attributed to the Abu Sayyaf Group. Although most of the children were victims of indiscriminate attacks and ambushes, 2 boys were the victims of targeted killings. One of the targeted killings occurred in May 2015 in Basilan Province, when the Abu Sayyaf Group kidnapped two boys and took them to a nearby Abu Sayyaf Group camp. One boy (13 years of age) was released while the other boy (age unknown) was beheaded for allegedly passing on information to the Armed Forces. In another incident, in July 2014 in Sulu Province, the Abu Sayyaf Group ambushed a number of vehicles transporting eight members of the Barangay Peacekeeping Action Team and a group of civilians on its way to celebrate Eid al-Fitr. Seven children were killed and six injured during the attack. In July 2015, also in Sulu Province, an alleged member of the Abu Sayyaf Group threw a hand grenade at a military convoy, injuring 14 civilians, including 5 children who had been standing along the roadside.

38. The country task force verified the killing of four children in three incidents by the New People's Army. All of the incidents took place in the context of the conflict between the Armed Forces and the New People's Army and resulted from the group's continued use of ambush tactics. For example, in January 2013, in Negros Occidental Province, a 14-year-old boy was killed alongside several adult civilians in an ambush by the New People's Army. A number of civilians had solicited a ride with police officers and the associated Barangay Peacekeeping Action Team when the latter were waylaid by the rebels. The New People's Army claimed responsibility for the attack and issued a public apology for the civilian casualties. On 31 March 2016, in North Cotabato Province, members of the Yumil group, an armed militia allegedly linked to the New People's Army, attacked a detachment of the Citizen Armed Forces Geographical Unit. At the time of the attack, members of the detachment were being visited by their families. A boy and a girl, both 1-year-old, were killed and one detachment member and a woman were injured.

39. Three incidents of killing and maiming, in which two children were killed and seven were injured, were attributed to armed groups allegedly supporting the efforts of the Armed Forces in fighting the New People's Army in indigenous areas. For example, in October 2015 in Bukidnon Province, members of the Dela Mance group opened fire on a group of indigenous people from a community suspected of supporting the New People's Army. An elderly man was killed and two children, 10 and 11 years of age, sustained gunshot wounds. The community reported long-standing harassment by members of the group owing to community's alleged support for the New People's Army. In another incident, which took place in

January 2016, in Davao del Norte Province, a 17-year-old boy was shot and killed by a member of the Alamara group, reportedly because he and his family had been considered to be supporters of the New People's Army. The boy had been studying in an indigenous school run by a non-governmental organization that alleged had links to the New People's Army.

## C. Rape and other forms of sexual violence

40. During the reporting period, the country task force verified the rape of a 14-year-old girl from an indigenous community by three soldiers of the Armed Forces in three separate incidents between May and July 2015. The soldiers were court-martialled and their superior was recommended for administrative sanctions. The alleged perpetrators reached an out-of-court settlement with the girl's family. Subsequently, the civilian criminal proceedings for rape were dismissed following an affidavit of desistance submitted by the victim's mother, in which she claims she was forced to file a complaint by members of the New People's Army. In addition to that incident, the country task force received a number of reports of conflict-related rape and sexual violence that could not be verified.

41. Available information suggests that rape and other forms of sexual violence are not systematic in their use by combatants. However, incidents of rape and other forms of sexual violence against children are seldom reported, as victims and their families fear stigmatization in their communities or reprisals from the perpetrators. In addition, cases of rape are often settled outside of the formal judicial system through financial payments, in particular in indigenous communities. It is therefore likely that the number of cases of conflict-related rape and other forms of sexual violence are underreported. Those suspected of perpetrating such violence must be held accountable in civilian courts. When members of the Armed Forces are suspected in such cases, the Armed Forces must apply existing accountability mechanisms whenever appropriate.

## D. Attacks on schools and hospitals

42. During the reporting period, the country task force verified 32 incidents of attacks on schools and hospitals and related personnel. As a result, 24 schools were damaged, 12 school workers and 1 hospital worker were attacked (1 was killed, 1 was injured, 1 was detained and 9 were abducted) and 41 teachers were threatened with physical violence. Six incidents were attributed to the Armed Forces, five to the Magahat group, four to the Bangsamoro Islamic Freedom Fighters and two each to the Alamara group, the New People's Army and the Abu Sayyaf Group. Twelve incidents could not be attributed to a specific entity. In addition, the country task force verified, but could not attribute, attacks on 11 schools in Maguindanao and Lanao Del Sur Provinces that were being used as polling stations during the national election in May 2016.

43. The United Nations notes with great concern the high number of attacks on schools and teachers committed in indigenous communities since 2015 in the context of the counter-insurgency operations of the Armed Forces against the New People's Army, with increased involvement of allegedly pro-government armed groups. In particular, many teachers and students working for private schools run by non-governmental organizations operating in indigenous communities have been publicly accused of being supporters or members of the New People's Army and subsequently harassed, threatened, physically attacked or killed. In 2015 alone, the

country task force verified the killing of 1 school director, the maiming of 1 teacher, threats of attack against 40 teachers and the burning of one school.

44. The six incidents attributed to the Armed Forces included attacks on four schools and one teacher and threats against seven teachers. Although most incidents of threats against teachers were related to the conflict with the New People's Army, the Armed Forces also conducted an aerial strike in an Abu Sayyaf Group-held area, causing physical damage to the structure of a madrassah and an elementary school. In addition, the Magahat and Alamara groups repeatedly targeted teachers and schools run by non-governmental organizations operating in remote indigenous communities in the context of counter-insurgency operations against the New People's Army. During the reporting period, the Magahat group committed five violations, resulting in the killing of 1 school director, the injury of 1 teacher, the burning of one school and the threatening of 28 teachers. The Alamara group perpetrated three violations involving threats against eight teachers.

45. In the areas where the above-mentioned violations took place, the Armed Forces were reportedly often encamped there at the same time and were involved in threats made against faculty members and in the temporary occupation of schools with alleged links to the New People's Army. For example, in September 2015, in Surigao Del Sur Province, a school director was killed by members of the Magahat group. He was found dead in a classroom, hogtied and with his throat slit. The day before, members of the group had threatened to kill 25 teachers from the same school should they refuse to leave the area. The Armed Forces had visited the same village two days prior to the incident and was encamped in close proximity when the incident took place. Five warrants of arrest had been issued against the alleged perpetrators, but as at the time of writing, no arrests had been made. In another incident in February 2015 in Davao del Norte Province, four teachers who were on their way to work were stopped by the Alamara group and threatened with death if they were to proceed to their school. A month later, the same teachers were interrogated regarding their alleged links with the New People's Army and threatened by members of the Alamara group and the Armed Forces. Following the incident, three of the teachers asked to be reassigned to other areas.

46. Access to education for over 17,000 children was affected during the reporting period, either temporarily or for extended periods of time, owing to attacks on schools and related personnel and the use of schools for military purposes.

47. Regarding attacks on health-care establishments, the country task force was able to verify one incident, which was attributed to the Abu Sayyaf Group. On 18 May 2013, the group looted medical supplies in a provincial health office on Jolo island, then abducted and later killed a female health-care worker.

48. In addition to attacks on schools and hospitals, 31 schools and four hospitals were used for military purposes. The majority of incidents (at 23 schools and 4 hospitals) were attributed to the Armed Forces. Three of the schools in question had been used in conjunction with alleged pro-government armed groups, with two others being used jointly with the National Police. Three incidents of military use of schools were attributed to the National Police. The Bangsamoro Islamic Freedom Fighters, the Moro Islamic Liberation Front and the Maute group each used two schools for military purposes. One incident could not be attributed.

## E. Abductions

49. The country task force continued receiving sporadic reports of abductions of children and verified two incidents that involved the abduction of three children. One incident was attributed to the Abu Sayyaf Group, while the other was attributed to the

Bangsamoro Islamic Freedom Fighters. In Basilan Province, two boys were abducted by the Abu Sayyaf Group; one of the boys was later released while the other was beheaded on 1 May 2015 after having been accused of spying on the armed group. The Abu Sayyaf Group continued to engage in kidnap-for-ransom activities throughout the reporting period, but it is unclear whether children were affected.

## IV. Follow-up to the conclusions of the Security Council Working Group on Children and Armed Conflict

50. In follow-up to the conclusions on children and armed conflict in the Philippines (S/AC.51/2014/1), the country task force improved its geographic coverage of monitoring and verification activities and increased awareness among humanitarian organizations and parties to the conflict regarding violations committed against children. Country task force technical working groups in Manila and on Mindanao continue to strengthen partnerships and advance the reach of the monitoring and reporting mechanism nationwide.

51. In line with the conclusions, the task force also continued to engage closely with the Moro Islamic Liberation Front, with a view to supporting the full implementation of the United Nations-Moro Islamic Liberation Front action plan, and initiated technical-level discussions with the New People's Army on the issue of child protection.

## V. Progress in ending and preventing grave violations by armed forces and groups in the Philippines

52. Executive Order No. 138 (August 2013) established the Government's Inter-Agency Committee on Children in Armed Conflict, charging it with ensuring that international instruments, including the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, are respected in the course of all government activities. In particular, the Committee has been overseeing the development of guidelines for the Armed Forces with respect to the protection of children affected by armed conflict. To address specific concerns with the situations of children in situations of armed conflict, three additional government agencies were given seats on the Committee, including the Department of Labor and Employment, the National Commission on Muslim Filipinos and the National Commission on Indigenous Peoples.

53. The executive order also created a monitoring, reporting and response system on children affected by armed conflict and expanded the comprehensive programme framework for children in armed conflict to ensure the efficient monitoring of cases and the provision of timely multisectoral responses under the auspices of the Council for the Welfare of Children. Government agencies signed and executed a memorandum of agreement on 25 July 2014, which further defined the roles and responsibilities of each agency in enhancing its capacities on monitoring, reporting and responding to grave violations.

54. In response to the Secretary-General's recommendation for the Government to strengthen its capacity to protect children in conflict-affected areas (see S/2010/36), the Government undertook a nationwide initiative to train service providers in local government units and front-line workers in non-governmental organizations to monitor, report and facilitate responses for victims of grave violations as part of the monitoring, reporting and response system. The orientation activities that took place between 2013 and 2015 were attended by a total of 579 front-line service providers

from 117 cities and municipalities in 33 conflict-affected provinces nationwide. Three additional orientation workshops were held in 2016.

55. Recognizing the significance of local government support to the monitoring, reporting and response system, the Department of the Interior and Local Government issued memorandum circular No. 2016-67, requiring local chief executives to adopt the protocol of the monitoring, reporting and response system and to share information on grave violations with the Inter-Agency Committee for follow-up.

**Armed Forces of the Philippines**

56. The Armed Forces, through its human rights office, began to implement its draft strategic plan, developed in 2012, on preventing and responding to grave violations against children in conflict. In July 2013, the office issued letter directive No. 25 to address concerns raised by the United Nations regarding guidelines on the conduct of activities in schools and hospitals. The directive clarifies the definition of a minor, expands the guidelines to include a protocol for the monitoring, reporting and response system and clarifies the process for the handover of children separated from armed forces or groups to child protection actors. Subsequently, the Department of Education issued memorandum No. 221, currently under revision, which guides schools personnel in regulating the access of the Armed Forces to educational facilities. While the adoption of the letter directive represents an important step forward, it must be noted that schools continue to be used for civil-military activities, in particular in remote areas. When Armed Forces personnel are present in schools, even in the context of providing services or organizing sporting or cultural activities, they put children at risk and potentially turn them into military targets.

57. To ensure broader prevention of grave child rights violations, the Department of National Defence issued circular No. 1, dated 4 February 2016, on child protection in armed conflict situations. This policy document increases the minimum safe distance required between military patrols/detachments and schools/hospitals from 50 metres to 460 metres, which is the effective range of the Armed Forces standard-issue long firearms. However, the circular also contains a number of concerning aspects, including its definition of schools, provisions on the direct delivery of social welfare services to child victims by the Armed Forces and references to the conduct of civil-military activities in schools.

58. In partnership with the Commission on Human Rights of the Philippines, in December 2015 the human rights office of Armed Forces reviewed and updated the graduated curricula on human rights and international humanitarian law for military personnel, which includes specific child-protection aspects.

**Moro Islamic Liberation Front**

59. On 29 April 2013, the leadership of the Moro Islamic Liberation Front agreed to an open-ended extension of the 2009 United Nations-Moro Islamic Liberation Front action plan. Although attempts had been made to reinvigorate engagement with the group following the extension, the political and security situation was not conducive, resulting in limited progress in its implementation. The signing of the Comprehensive Agreement on Bangsamoro in March 2014 renewed the opportunity to engage with the group, and it reaffirmed its commitment to fully implement the action plan. In June 2014, the group reconstituted a five-member panel, consisting of military and civilian representatives from the central committee, to engage with the United Nations and appointed a focal point on children and armed conflict in the office of the general staff to mobilize its base commanders.

60. In support of the base commanders, the Moro Islamic Liberation Front appointed focal points in each of the 31 base commands and 7 front commands of the Bangsamoro Islamic Armed Forces to ensure the timely implementation of action plan activities. The Moro Islamic Liberation Front also publicly displayed its command orders on the non-recruitment or use of minors and its sanctions for non-compliance, to educate both the armed wing of the group and civilians regarding the group's code of conduct and the accountability framework for those who recruit and use children.

61. The Moro Islamic Liberation Front continues to guarantee that it will facilitate unhindered access to territory under its control for action plan-related activities and that its base commanders will be present during those activities. Base command progress reports are submitted to the United Nations and the group's action plan panel on a quarterly basis and serve as a tool to monitor compliance and assess progress on implementation.

62. Orientation sessions for officers and troops, including all front and base commanders of the Bangsamoro Islamic Armed Forces and the Bangsamoro Islamic Women's Auxiliary Brigade, were completed in early 2015. Apart from emphasizing roles and responsibilities with regard to action plan implementation, the orientation sessions were critical in addressing the concerns of the Moro Islamic Liberation Front with respect to social and cultural values and the religious principles ascribed to the involvement of children in combat or support roles, including the definition of a child as being someone who is under 18 years of age. A total of 9,435 elements from the Bangsamoro Islamic Armed Forces and the Bangsamoro Islamic Women's Auxiliary Brigade elements received the orientation. Since then, the Moro Islamic Liberation Front has continued to hold similar sessions to systematically reinforce those messages, conducting over 100 sessions that have reached more than 9,600 individuals. Orientation sessions also have been held for parents and children, reaching at least 4,600 individuals as of November 2016.

63. On 18 May 2015, the Moro Islamic Liberation Front, with support from the United Nations and partners, launched a local version of the "Children, Not Soldiers" campaign. The campaign aims at affecting a positive change in community practices to ensure that children do not become associated with the armed wing of the group (i.e., the Bangsamoro Islamic Armed Forces and Bangsamoro Islamic Women's Auxiliary Brigade). The first phase of the campaign comprised community awareness-raising sessions, discussion groups with children and youth, radio programmes and advocacy initiatives by a former child soldier, directly reaching over 15,000 people, including 2,457 children, 3,201 members of the Bangsamoro Islamic Armed Forces and 3,256 members of the Bangsamoro Islamic Women's Auxiliary Brigade in 61 municipalities and 8 provinces across Mindanao. The second phase was launched in July 2016 and aimed at reinforcing messages on preventing the association or re-association of children with the Moro Islamic Liberation Front and other armed groups, targeting parents, teachers and community and religious leaders.

64. At the heart of the campaign was a series of public events organized and led by the base commanders of the Moro Islamic Liberation Front in their respective base commands. This was an important component of the action plan as it allowed the group's armed wing and communities to directly hear the base commanders' commitment to zero child association and to the non-involvement of children in any armed or support activities, including *rido*. All base commanders present signed a public declaration at the end of the event signalling their commitment. Over 10,000 people living in Moro Islamic Liberation Front communities attended those events across all base commands.

65. With a view to the fulfilment of the final benchmark of the action plan, the chief of staff of the Bangsamoro Islamic Armed Forces issued a command order to all front and base commands on 12 December 2015, ordering commanders to comply with the guidelines on the identification and disengagement of children who were formally and informally associated with the armed group. That was followed by the appointment of a task force in all base commands assigned to facilitate and support the identification and disengagement process. A country task force working group on the identification and disengagement of children associated with the Moro Islamic Liberation Front and the Bangsamoro Islamic Armed Forces was formed to monitor compliance with that final benchmark. The Moro Islamic Liberation Front identified a total of 1,869 children, the majority of whom had been associated with the group in support roles. Since April 2016, all of those children identified have undergone a formal disassociation process. The Moro Islamic Liberation Front issued certificates of disengagement to those children, publicly announcing the disassociation of the children from the Bangsamoro Islamic Armed Forces. The last disengagement ceremony took place on 19 March 2017.

66. The progress achieved has been the result of the commitment and action by the Moro Islamic Liberation Front at the highest levels and that of front and base commanders. The systematic sensitization, awareness-raising and training initiatives for the Bangsamoro Islamic Armed Forces and communities living in core Moro Islamic Liberation Front base command areas were essential prerequisites for achieving a level of understanding and acceptance on the issue of recruitment and use of children among those stakeholders. The Bangsamoro Islamic Women's Auxiliary Brigade, a force that supplements the Bangsamoro Islamic Armed Forces and is present in all base commands, was also strategically placed and was a key contributor to action plan implementation.

67. In addition to a joint technical mission in November 2015 between the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations has supported the Moro Islamic Liberation Front action plan panel in developing safeguards linked to existing accountability measures to prevent the future recruitment and association of minors. In addition to its existing code of conduct, the Moro Islamic Liberation Front issued a directive on 25 March 2017 requiring regular monitoring and screening of armed elements and age-assessment guidelines to establish internal safeguards to prevent the association and re-association of children.

68. The provision of services, including the development of life skills and vocational opportunities, will also be important to minimize children's risk of re-association. A programme focusing on the prevention of association and re-association is currently being designed by UNICEF. Concerted efforts by the Government, the Moro Islamic Liberation Front, the United Nations and the international community will be needed to bring it to fruition.

69. In November 2016, my Special Representative for children and armed conflict met with representatives of the Moro Islamic Liberation Front in Geneva and commended their commitment to and progress made in the implementation of the action plan. She noted that the positive engagement of the group set an important precedent for other armed groups in the country and in the region.

70. With respect to other child protection issues, incidents of *rido* involving elements of the Moro Islamic Liberation Front remain a concern that has been raised with the group's leadership. In response, the group formed a task force in March 2015 that was mandated to monitor, investigate and recommend appropriate measures to avoid *rido* incidents between members of the Bangsamoro Islamic Armed Forces. The country task force also urged the Moro Islamic Liberation Front to strengthen efforts

to ensure that children were not involved in or affected by such incidents and to take steps to sanction members who were responsible for incidents that caused death or grave injury to children. In parallel, UNICEF and its partners continued to raise awareness on the impact of *rido* on children as part of the local "Children, Not Soldiers" campaign, which focused on a broad set of child protection concerns.

**New People's Army**

71. In July 2012, the National Democratic Front of the Philippines formalized its declaration and programme of action for the rights, protection and welfare of children as an expression of its commitment to defend the rights of Filipino children. Although the declaration sets the minimum age for recruitment for combat by the New People's Army at 18 years of age, it permits the recruitment of children 15 years of age and older for self-defence and non-combat tasks.

72. In 2015 and 2016, several technical meetings were held between UNICEF and the National Democratic Front of the Philippines within the framework of the declaration. The group has reiterated its willingness to cooperate with UNICEF, which was welcomed by the country task force.

## VI. Observations and recommendations

73. I condemn the continuing grave violations committed against children in armed conflict, including the recruitment and use and killing and maiming of children, as well as attacks on schools and hospitals. I call upon all parties to conflict in the Philippines to respect their obligations under international law and put in place measures to end and prevent further violations.

74. I am encouraged by the resumption of peace negotiations between the Government and Communist and Moro groups and urge the parties to include child protection issues on the agendas of the respective peace tables, in consultation with the United Nations.

75. I call upon all parties to conflict in the Philippines to respect the civilian character of schools and cease attacks against education facilities, education personnel and students and further urge parties to end the military use of schools, which can put children and their access to education at risk.

76. I encourage the international donor community to provide financial resources to support the work of the United Nations in monitoring and reporting, in supporting the full implementation of the United Nations-Moro Islamic Liberation Front action plan and in engaging with other armed groups on the issue of children and armed conflict. International financial support will also be crucial to ensure that children disassociated from armed groups receive appropriate socioeconomic services, thereby minimizing the risk of re-association.

**Recommendations to the Government of the Philippines**

77. I welcome the support of the Government in relation to the implementation of the United Nations-Moro Islamic Liberation Front action plan. I urge the Government to continue to support and facilitate dialogue between the United Nations and armed groups in order to end and prevent grave violations against children.

78. I am encouraged by steps taken by the Government to better protect children in armed conflict, including through the creation of the Inter-Agency Committee on Children in Armed Conflict and the monitoring, reporting and response system on children affected by armed conflict. I encourage the Government to actively use

these mechanisms to provide appropriate assistance and services for all child victims and to ensure independent, prompt and thorough investigations into alleged violations against children so that perpetrators are held to account.

79. I welcome the ongoing reinforcement of policies, directives and training regarding children affected by armed conflict and encourage the Government to continue its dialogue and cooperation with the United Nations to further strengthen the capacity of its armed forces to protect children and prevent violations in conflict-affected areas. I recall the responsibility of the Government to ensure adherence to the principles of international humanitarian and human rights law by all forces under its command, including the military, police and auxiliary forces.

80. I urge the Government to continue to strengthen the national legal framework to protect children affected by armed conflict in accordance with international standards, including through the prompt passage of the law on children in situations of armed conflict, and to ensure that the law will not provide for the arrest, detention and/or prosecution of children solely for their association with armed groups.

81. I urge the Government to guarantee due process for all children detained for their association with armed groups and recall that children should be treated primarily as victims and that the deprivation of liberty of children should be used as a last resort and for the shortest time possible.

**Recommendations to the Moro Islamic Liberation Front**

82. I welcome the continued engagement of the Moro Islamic Liberation Front to end and prevent the recruitment and use of children, and I am very encouraged by the strong commitment of the leadership and regional commanders, which has led to significant progress towards the full implementation of the United Nations-Moro Islamic Liberation Front action plan.

83. I urge the Moro Islamic Liberation Front to continue the process of identifying and disengaging children who are formally or informally associated with the Bangsamoro Islamic Armed Forces in all base commands, with a view to the completion of the final benchmark of the action plan, and call upon the armed group to put in place the necessary safeguards, linked to the implementation of existing accountability mechanisms, to prevent the recruitment and association of children.

84. I encourage the Moro Islamic Liberation Front to engage the support of the United Nations in implementing the priorities identified in the Comprehensive Agreement on Bangsamoro, in particular with respect to programmes aimed at improving the welfare and rights of children in conflict-affected areas.

**Recommendations to other armed groups**

85. I welcome the preliminary engagement between the United Nations and the National Democratic Front of the Philippines, and I am encouraged by the group's willingness to cooperate on issues relating to child protection. I urge the National Democratic Front of the Philippines and the New People's Army to continue this cooperation and to immediately desist from the recruitment and use of children in any military or support functions.

86. I urge other listed armed groups that have not done so to enter into dialogue with the United Nations for the purpose of preparing and implementing an action plan to end the recruitment and use of children that includes provisions on United Nations access for the purposes of raising awareness, response and monitoring compliance.